

USER GUIDE
for
New Template
IT Professional Services Agreement
For Non-Certified Staff Augmentation



Presented by

NM Department of Information Technology
Enterprise Project Management Office (EPMO)

February 2024

User Guide for Professional Service Agreement for Non-Certified Staff Augmentation

The General Services Department, State Purchasing Division and the Department of Information Technology (IT) awarded new IT Professional Services (ITPS) Statewide Price Agreements (SWPA). The new ITPS SWPA will replace the old ITPS SWPA that expired on December 8, 2023. The expired ITPS SWPA is no longer a valid purchasing method for entering into new contracts and/or amending existing contracts. These existing contracts executed on or before December 8, 2023, that use the old ITPS SWPA, will still be valid through the term date specified in the contract; amendments to these contracts are not allowed.

In conjunction with the new ITPS SWPA, DoIT has drafted and published the following three new IT Professional Service Agreement (ITPSA) templates for purchasing IT Professional Services which are for exclusive use with the new ITPS SWPA 30-00000-23-00080.

1. ITPSA template for Staff Augmentation and/or Fixed Price Deliverables
2. ITPSA template for Non-certified Staff Augmentation
3. ITPSA template for amendments, used for any changes to the original executed PSA

Please note that the two Information Technology Contract Templates for IT purchases greater than \$60,000 and less than \$60,000 (aka the Large and Small contract templates respectively) and related amendment template will continue to be utilized for all other IT contracts/agreements not using ITPS SWPA 30-00000-23-00080. This includes, but is not limited to, all other procurement and/or purchasing methods such as Sole Source; Request for Proposals (RFP); other Statewide Price Agreements including those for "Cloud Solutions" or based on National Association of State Procurement (NASPO) and General Services Administration (GSA) based agreements.

I. Overview

This User Guide is designed to provide Agencies/Procuring Entities with assistance in using the new PSA template for Non-Certified Staff Augmentation. The User Guide includes general information and headers (sections) that are commonly used.

The following template can be used for purchasing IT professional services for staff augmentation using the new ITPS SWPAs that support ordinary operations, non-certified project tasks and not to support certified project tasks, or to mitigate a staffing shortage resulting from any of the following:

1. Authorized leave of current staff
2. Position vacancy (funded or unfunded)
3. Staff budget limitations
4. Agency Defined, (to be described by the procuring entity)

II. Template Instructions:

The following items are highlighted in yellow throughout the ITPSA Non-Certified Staff Augmentation template and requires your input.

Template Instructions:

The following items are highlighted in yellow throughout the non-certified staff augmentation agreement template and require your input:

1. Agreement Number

The agreement number is issued by your Agency's Administrative Services Division (ASD). Please contact your Agency's Chief Procurement Officer. Please include a unique agreement number **prior** to sending the contract to DoIT EPMO for review.

2. Procuring Entity Name

Add your Agency's name here.
(State Agencies, Boards, Commissions, and/or City and County Agencies)

3. Contractor Name

Add the Contractor's name as it appears on their ITPS SWPA.

4. Statewide Price Agreement Number (SWPA)

Insert the Statewide Price Agreement number as it on their ITPS SWPA.

It should be **30-0000-23-00080** followed by two letters that correspond to the Contractor specific ITPS SWPA.

5. Compensation

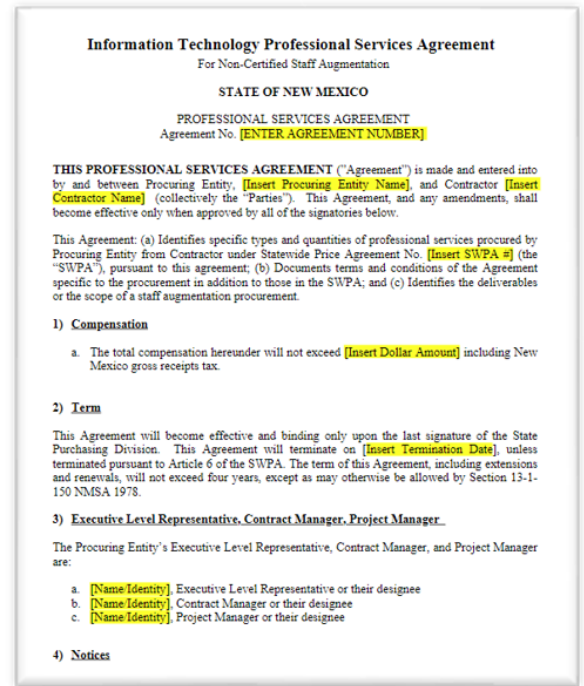
Insert the sum of all deliverables identified in the SOW as the total compensation amount including NM Gross Receipt Tax (GRT).

Please note: Agencies should consult with their Agency's Chief Procurement Officer (CPO) and/or Administrative Services Division (ASD) for the GRT rate to be used to estimate the GRT amount that will be included in the compensation amount for each deliverable; tax is applied without having to cite a specific rate.

6. Term

This Agreement will become effective and binding only upon the last signature of the State Purchasing Division. The Agreement termination date must be a date equal to the last Deliverable in this ITPS agreement.

7. Executive Level Representative, Contract Manager Project Manager



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Identify the Executive-Level Representatives (ELR). The ELR is the individual empowered with the authority to represent and make decisions on behalf of the Procuring Entity's executive or his/her Designated Representative. An ELR and a Contract Manager may be the same person.

The Contract Manager is a qualified person from the Procuring Entity responsible for all aspects of the financial administration of an ITPSA.

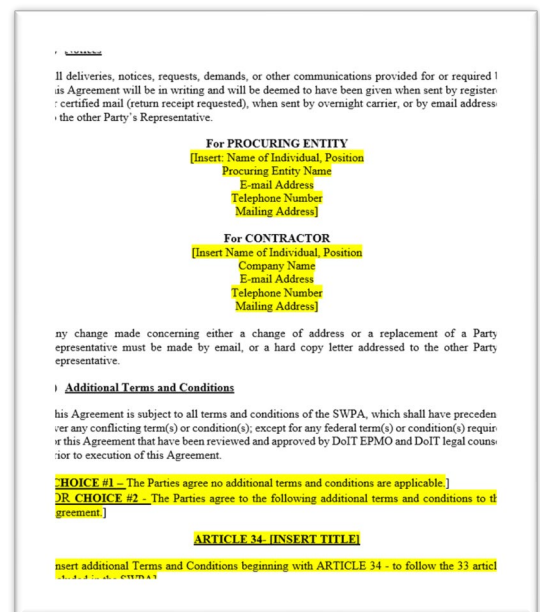
The Project Manager is a qualified person designated or accepted by the Procuring Entity to be responsible for overseeing and coordinating a Project from initiation to the closing phase.

If desired, designation of a senior staff member who will delegate this responsibility will minimize the need for a future ITPSA amendment should there be a need to change assignment over the life of the ITPSA.

8. Notices

Notices are for contractual-related notices. All deliveries, notices, requests, demands, or other communications provided for or required by this Agreement will be in writing and will be deemed to have been given when sent by registered or certified mail (return receipt requested), when sent by overnight carrier, or by email addressed to the other Party's Representative. Notices must be addressed to both the Procuring Entity and the Contractor. Any change to the Notice individual or the address must be done in writing to be effective.

The Procuring Entity individual would likely be a member of ASD or the Chief Procurement Officer. The Contractor contact details would be the same as the Contractor's contact information found in Article 28 of the ITPS SWPA.



9. Additional Terms and Conditions

Please note that beside the unique information identified in 1 through 8 above, there are no other Terms and Conditions identified within this agreement template. This is because the vendors that were awarded have previously agreed to all terms and conditions within the ITPS SWPA.

However, Procuring Entities may add additional terms and conditions based on particular circumstances. Any added terms and conditions will require the Procuring Entities to submit a Deviation Memo identifying the additional terms and conditions and explicitly agreed to by the Procuring Entity's legal and to epmo@doit.nm.gov for legal review. The Deviation Memo Template is located on the DoIT website at <https://www.doit.nm.gov/programs/epmo/contract-and-rfp-templates-and-guidance/> directly below the Professional Services Agreements listing.

Examples:

Terms and conditions related to federal funding used for your position or contract.

Terms and conditions related to data classification such as Personally Identifiable Information (PII), Protected Health Information (PHI), Health Insurance Portability and Accountability Act (HIPPA) and Criminal Justice Information Services (CJIS) or other data classification that mandate specific use or care by the contractor.

If terms and conditions are added, please start with numeric Article 34. This will avoid any conflict with existing terms and conditions contained within the statewide price agreement that drives this contract.

10. Page Intentionally Left Blank

Please leave this page blank and do not delete it. This will ensure that the signature page name blocks remain in the appropriate location for DocuSign processing.



11. Signature Page

No changes to the signature blocks. Please complete as indicated.

Prior to submitting an IT Professional Services Agreement (ITPSA) through formal signatures, the Procuring Entity must submit the draft ITPSA to EPMO at epmo@doit.nm.gov for review.

When the contract is ready for DoIT signature process, please email an editable PDF copy with complete internal agency and TRD signatures to epmo@doit.nm.gov, for signature by the State CIO or if participating, using the DocuSign end-to-end process.

If participating in the DocuSign end-to-end process, the DoIT DocuSign Templates are required to ensure preapproval of EPMO and DoIT's General Counsel prior to the State's CIO's signature. For DoIT DocuSign template support, please contact DoIT Enterprise Support Desk at esignature@doit.nm.gov. Please refer to the instructions for the DocuSign IT Contract End-to-End Signature Routing Instructions Guide, provided on the DoIT website at [Contract & RFP Templates & Guidance - New Mexico Department of Information Technology \(nm.gov\)](https://www.doit.nm.gov/Contract%20&%20RFP%20Templates%20&%20Guidance%20-%20New%20Mexico%20Department%20of%20Information%20Technology%20(nm.gov)) directly below the Procurement Trainings listing.

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Signatures

This Agreement, and the SWPA, set forth the entire agreement between the Parties with respect to its procurement and supersede all previous communications, representations, or agreements, whether oral or written, with respect to the subject matter hereof. Each of the signatories, below, may execute this Agreement by hard copy original, facsimile, digital or electronic signature, any of which will be deemed to be a true and original signature hereunder.

IN WITNESS WHEREOF, the Parties hereby execute this Agreement, which will take effect on the last signature date of the required approval authorities below. Each of the signatories, below, may execute this Agreement by hard copy original, facsimile, digital or electronic signature, any of which will be deemed to be a true and original signature hereunder.

By: _____ Date: _____
[Insert Procuring Entity Cabinet Secretary Name], Cabinet Secretary
[Insert Procuring Entity Name]

By: _____ Date: _____
[Insert Contractor Name, Title]
[Company Name]

By: _____ Date: _____
[Insert Procuring Entity CIO Name], Chief Information Officer
[Insert Procuring Entity Name]

Approved for legal sufficiency:

By: _____ Date: _____
[Insert Procuring Entity General Counsel Name], General Counsel

By: _____ Date: _____
[Insert Procuring Entity Chief Financial Officer Name], Chief Financial Officer
[Insert Procuring Entity Name]

The records of the Taxation and Revenue Department reflect that the Contractor is registered with the Taxation and Revenue Department of the State of New Mexico to pay gross receipts and compensating taxes:

BTIN ID Number: **Enter this number before uploading to DocuSign**

By: _____ Date: _____
Taxation and Revenue Department

Taxation and Revenue is only verifying the registration and will not confirm or deny taxability statements contained in this contract.

Approved for compliance with the Department of Information Technology Act, Chapter 9, Article 27 NMSA 1978, and Executive Orders relating to Information Technology issued by the Governor of the State of New Mexico.

By: _____ Date: _____
Raja Sambandam, Acting Cabinet Secretary and State Chief Information Officer
Department of Information Technology

This Agreement has been approved by the General Services Department, State Purchasing Division.

By: _____ Date: _____

Note:

If you are not sure of the BTIN ID Number (Tax ID Number), it can be found on the signature page of the contractor's ITPS SWPA.

III. Instructions for Exhibit 1- Scope of Work (SOW)

Instruction for the Scope of Work.

Please note that this section was previously known as Exhibit A - Scope of Work and is now referred to as Exhibit 1- Scope of Work (SOW). The SOW will document the specific tasks, activities, roles, and responsibilities of the contractual obligations between the Procuring Entity and the Contractor to include the following sections:

1. Professional Services Agreement No.

Insert the agreement number issued by your agency's ASD or Chief Procurement Officer.

2. Purpose

Identify the reason for using staff augmentation as opposed to internal resources. Check the appropriate option for at least one of the following:

- Authorized leave of current staff
- Position vacancy (funded or unfunded)
- Staff budget limitations
- Agency Defined, for the procuring entity to describe

3. Key Staff, Service, Category(ies) and Negotiated Unit Rate

This is a new section. Please identify:

- **Key Staff and Qualified Personnel** (Specific individual(s) from the contract vendor)
 - Name
 - Title
 - IT Professional Service Category (Located off the SWPA)
 - Experience Level (Junior Level, Mid-Level, or Senior Level)
- **SWPA Unit Rate** (excluding GRT), This is the hourly rate found on the Unit Rate Price Sheet, Exhibit A of the ITPS SWPA)
- **Negotiated Unit Rate** (excluding GRT), Procuring Entities are strongly encouraged to negotiate the hourly rates. The rate on the ITPS SWPA is the maximum rate, and the negotiated rate(s) shall not exceed the maximum rate.

EXHIBIT 1- Scope of Work

TO PROFESSIONAL SERVICES AGREEMENT [INSERT NO.]

FOR STAFF AUGMENTATION

I. Purpose:

The Purpose of this Agreement is for Contractor to provide professional services to support ordinary operations, and not to support certified project tasks, of the Procuring Entity to mitigate a staffing shortage resulting from **[check at least one]**:

- Authorized leave of current staff
- Position vacancy (funded or unfunded)
- Staff budget limitations
- Agency Defined **[Please Describe]**

II. Key Staff, Service Category(ies) and Negotiated Unit Rates:

Contractor's Key Staff and Qualified Personnel will not be diverted from this Agreement absent Procuring Entity's prior written approval. The Procuring Entity considers the following Key Staff and Qualified Personnel to be mandatory to the work to be performed hereunder and their associated negotiated unit rate applicable to this agreement are as follows:

Key Staff and Qualified Personnel (Include Name/Title, IT Professional Service Category and Experience Level)	SWPA Unit Rate (excluding GRT)	Negotiated Unit Rate (excluding GRT)

III. Deliverables:

As directed by Procuring Entity, Contractor shall perform professional services within one or more of these IT Professional Service Category(ies) and Experience Level(s):
[Procuring Entity may identify as many Deliverables for any approved IT Professional Service Categories including Experience Level (Junior-Level, Mid Level, or Senior Level), with as many associated tasks and subtasks, as may be needed.]

4. Deliverables

Deliverable Number: The IT Professional Service Category and Experience Level.

- **Deliverable Name:** The IT Professional Service Category and Experience Level; should be the same information as in the Deliverable Number title.
- **Due Date:** The start date or upon contract execution through the end date key staff will be working.
- **Compensation:** Enter the total compensation amount for this deliverable including GRT. To be invoiced monthly based on the negotiated unit rates and timesheets approved by the Procuring Entity and submitted by the Contractor on the same monthly basis.
- **Task Item:** Provide the name of the tasks starting with Task 1 through however many tasks are needed to accomplish the Deliverable.
- **Sub Tasks:** Provide the name of the subtasks starting with Sub Tasks 1 through however many subtasks are needed to accomplish the specific Task Item needed to accomplish the Deliverable.
- **Description:** Define the contractor’s tasks, subtasks, roles, and responsibilities as it relates to this ITPSA. The contractor’s deliverables must be clearly identified, defined, and measurable. The Deliverable(s) must define who is responsible, what are they responsible for, and the criteria that will be used to evaluate that the Deliverable is complete. It is expected that the contractor will produce and maintain work product(s) throughout the term of the agreement.

Experience Level here, should be the same as the deliverable name in the table below

Deliverable Name	Due Date	Compensation
[Insert name of IT Professional Service Category and Experience Level here, should be the same the name used in the title line above the table]	To begin upon (enter actual start date of "contract execution") through (enter actual end date of service or a no later than date)	Total Compensation Amount for this deliverable not to exceed \$[Enter Amount], including GRT, as applicable, billed pursuant to SWPA Article 3 To be invoiced monthly based on the negotiated unit rates and timesheets approved by the Procuring Entity and submitted by the Contractor on the same monthly basis.

Task Item	Sub Tasks	Description
[Insert Name of Task 1 or tasks to be performed for each Deliverable]	Sub 1 through however many subtasks are needed to accomplish Task 1, which leads to the number of Tasks needed to accomplish Deliverable 1.	<ul style="list-style-type: none"> • At the Direction of the Procuring Entity, the Contractor shall... • At the Direction of the Procuring Entity, the Contractor shall... • At the Direction of the Procuring Entity, the Contractor shall... • Use active verbs to complete the sentence and describe the tasks and subtasks to be completed by the contractor. • When referencing either Party please use only the term "Contractor", "Procuring Entity" and <i>not</i> the specific entity/business name. Note that Contractor and Procuring Entity are capitalized. • [Include any tangible products and specify the agreed upon format if possible. For example, weekly reports to be delivered in Microsoft Word (.docx) format or monthly project schedules to be delivered in Microsoft Project format. If there is a designated repository the Contractor should use for storing files please specify here]
Review and Acceptance		<ul style="list-style-type: none"> • [Deliverables should conclude with review and acceptance, for example:] • Contractor will provide evidence that all assigned tasks and work products as requested/directed by the Procuring Entity or described herein are satisfactorily

IV. RESOURCES

You can access all ITPSA templates and training information using the following link:
<https://www.doit.nm.gov/programs/epmo/contract-and-rfp-templates-and-guidance/>

If you have any questions, please contact an EPMO Team member at
epmo@doit.nm.gov